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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,072	11/13/2003	Wolfgang Burkert	3587-000011	7918

27572 7590 09/22/2006

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EXAMINER

JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,072	BURKERT ET AL.	
	Examiner	Art Unit	
	William C. Joyce	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This is the First Office Action in response to the above identified patent application filed on November 13, 2003.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one cantilever arm has a core consisting of a composite material and an outer envelope consisting of another material" (claim 5), "the at least one cantilever arm is designed as a solid body" (claim 6), "at least one cantilever arm is connected to the column by an adhesive" (claim 9), "at least one cantilever arm is connected to the column by a cast mineral" (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1, lines 4-5, the limitation "gallows shape" is unclear. It is understood a gallows shaped stand typically includes a pair of vertical members connected by a single horizontal member. However, figure 1 illustrates a stand having a single vertical member having a foot portion and a cantilevered arm. Appropriate correction is required.
- b. Claim 1, line 10, and elsewhere, the term "consists" is a closed ended term and should be changed to --comprises--.

- c. Claim 4, lines 1-2, the limitation "the cast mineral" lacks proper antecedent basis.
- d. Claim 14 is not fully understood how the cantilever arm can be connected to the column by a cast mineral.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7, 10, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Alschweig (DE 100 51 707).

Alschweig teaches a device for carrying and fastening a robot, the device having a bottom horizontal component (2), a vertical component (5) and a top at least approximately horizontal component (6), wherein the device is designed in a gallows shape having a foot as bottom horizontal component, a column, adjoining the foot, as vertical component, and at least one cantilever arm, fastened to this column, as top component for fastening the robot, the at least one cantilever arm being fastened to the column in a fixed position, and wherein the device having at least partly of a composite material.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejection, ns set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 1, and 02 of this title, if the differences between the subject matter sought to be - patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707) as applied to claim 1 above, and further in view of Ward (USP 6,623,169).

Alschweig does not appear to teach the support arrangement having a material for inhibiting microorganisms. The prior art to Ward teaches a support housing having an antimicrobial agent. it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the supporting device of Alschweig with an antimicrobial agent, as taught by Ward, motivation being to prevent microorganisms from growing on the device when used in a sterile operation.

9. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707) as applied to claim 1 above, and further in view of Sheehan et al. (US Pub. 2001/0042424).

Alschweig does not appear to teach the cantilever arm having a core of a composite material and an outer envelope of another material. The prior art to Sheehan et al. teaches a supporting base member (10) having cast iron base and a core formed of a polymer composite material for reducing vibration of the device. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the support structure of Alschweig with a core formed of a composite material, as taught by Sheehan et al., motivation being to reduce vibration of the device.

10. Claims 6, 8, 9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alschweig (DE 100 51 707).

Alschweig does not appear to teach the cantilever arm being configured as a solid body. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the cantilever arm of Alschweig as a solid member, motivation being to provide a more rigid component.

Alschweig does not teach the device having two cantilever arms. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pair of arms for supporting the robot, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Alschweig does not teach the cantilever arm being connected to the column using an adhesive, however it was well known in the art at to join a device by joining multiple components using an adhesive. It would have been obvious to one of ordinary skill in the art to form the supporting device of Alschweig by joining the arm and the column by an adhesive, motivation being to form the device with modular components thereby facilitating in manufacturing the device.

Alschweig does not teach the supporting device used in combination with a delta robot, however it was known in the art to support a delta robot by a supporting device. It would have been obvious to use the supporting arrangement of Alschweig for supporting a delta robot, motivation being to provide means for adapting the robot for use in a variety of applications.

With respect to claims 12-14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the device from the claimed materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the composite structural member having a core of different material as disclosed by Schmidt ('964) and Kajiwara ('990). Note the robot supporting structure of UK Patent 2 046 691.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

Art Unit: 3682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 9/15/06
William C. Joyce